IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition No.2784 of 2006

Malad Unique Classic Coop Hsg Soc Ltd & ors ..Petitioners.

Vs

The Municipal Corporation of Gr Mumbai & Ors ..Respondents

Mr. A.Y. Bookwala i/b Mr. D.T. Chafe for the petitioners

Mrs Purandhare for respondent Nos 1 to 3

Mr. Sandeep Bhimkar for Wadia Gandhy & Co for respondent Nos.4 and 5

CORAM: SWATANTER KUMAR,C.J.,&
S.C.DHARMADHIKARI, J.

DATE: APRIL 24, 2007.

P.C.:-

The learned counsel for the petitioners wishes to withdraw the petition with liberty to include the relief claimed in this petition in a suit, which has already been instituted and is pending before the appropriate competent court. However, he further states that the objection as regards the notice under section 527 of the Mumbai Municipal Corporations Act, may not come in the way of the petitioner.

Having heard the learned counsel for the corporation we direct the present petition shall be treated as

notice and shall be treated as substantial compliance with the statutory provisions. As no date is fixed in the suit, we direct the parties to appear before the trial court on 9th July 2007. In the face of this, the trial court shall proceed with the suit in accordance with law.

Writ petition is permitted to be withdrawn with liberty as prayed for.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.